

<b>Notice of Allowability</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/656,815	RODRIGUEZ ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Ella Colbert	3694	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 14 September 2006.
2. ☒ The allowed claim(s) is/are 9-16.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
  1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |  |   |
|--|---|
| <ol style="list-style-type: none"> <li>1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)</li> <li>2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)</li> <li>3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),<br/>Paper No./Mail Date _____</li> <li>4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br/>of Biological Material</li> </ol> | <ol style="list-style-type: none"> <li>5. <input type="checkbox"/> Notice of Informal Patent Application</li> <li>6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),<br/>Paper No./Mail Date <u>11/16/06</u> .</li> <li>7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment</li> <li>8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance</li> <li>9. <input type="checkbox"/> Other _____.</li> </ol> |
|--|---|

**DETAILED ACTION**

1. Claims 9-28 are pending in this communication filed 09/14/06 entered as Appeal Brief.
2. The Final Rejection is hereby withdrawn and an Allowance after Appeal is being granted.
3. An Examiner's amendment was authorized by Mr. Christopher Rourk in a telephone interview on November 16, 2006 to cancel claims 17-28.

***Allowable Subject Matter***

4. Claims 9-16 are allowed.
5. The following is an examiner's statement of reasons for allowance: Applicants' claim 9 with an apparatus for transmitting credit transaction data over a communications medium for forming the credit transaction data received from two or more Point of Sale (POS) systems wherein the credit transaction data is received according to two or more different transaction protocols and making a determination of a point of sale device transmission protocol to be used to assemble the credit transaction data into a request for authorization after the credit transaction data is received from two or more Point of Sale (POS) devices with each device reading credit card data from a magnetic stripe of a credit card in claim 13.

The closest prior art is (EP0 858201 A2) Maritzen et al who disclosed a message being translated into any suitable format for transmission across a firewall with the suitable format generally a format that is appropriate for the port over which the message is to be transmitted. For example, a HyperText Transfer Protocol (http) or

Art Unit: 3694

Secure Mail Transfer Protocol (SMTP) format may be used for transmitting the message but failed to suggest an apparatus for transmitting credit transaction data over a communications medium for forming the credit transaction data received from two or more Point of Sale (POS) systems wherein the credit transaction data is received according to two or more different transaction protocols and making a determination of a point of sale device transmission protocol to be used to assemble the credit transaction data into a request for authorization after the credit transaction data is received from two or more Point of Sale (POS) devices with each device reading credit card data from a magnetic stripe of a credit card. Schaefer et al (US 6,157,927) disclosed a global transaction having two-phase commit transaction processing protocol and OLE protocols but failed to suggest an apparatus for transmitting credit transaction data over a communications medium for forming the credit transaction data received from two or more Point of Sale (POS) systems wherein the credit transaction data is received according to two or more different transaction protocols and making a determination of a point of sale device transmission protocol to be used to assemble the credit transaction data into a request for authorization after the credit transaction data is received from two or more Point of Sale (POS) devices with each device reading credit card data from a magnetic stripe of a credit card. Socka, George; "EDI meets the Internet" disclosed communications protocols and data transmission protocol to use with purchase order files which no longer have to be altered to sales order formats because widely available translation software handles the mapping of internal data to EDI standards but fails to suggest an apparatus for transmitting credit transaction data over a communications

Art Unit: 3694

medium for forming the credit transaction data received from two or more Point of Sale (POS) systems wherein the credit transaction data is received according to two or more different transaction protocols and making a determination of a point of sale device transmission protocol to be used to assemble the credit transaction data into a request for authorization after the credit transaction data is received from two or more Point of Sale (POS) devices with each device reading credit card data from a magnetic stripe of a credit card.

The dependent claims 10-12 and 14-16 being further limiting to the independent claims, definite and fully enabled by the Specification are also allowable.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### **Inquiries**


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ella Colbert whose telephone number is 571-272-6741. The examiner can normally be reached on Monday, Tuesday, and Thursday, 5:30AM-3:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 571-272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3694

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

November 16, 2006



ELLA COLBERT  
PRIMARY EXAMINER